

Appln. No. 10/695,116

Attorney Docket No. 10541-1875

## **II. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1 and 3-19 remain pending.

### ***Further Clarifications***

Prior to discussing the cited referenced, it is believed that a brief discussion on the current form of the independent claims of this application is warranted. The original independent claims of this application have been amended to clarify, more particularly to point out and distinctly claim that which applicant regards as the subject matter of the present invention. Specifically, claims 1 and 12 now recite the retraction device being supported by and mounted to and between the guide rails.

### ***Claim Rejections – 35 U.S.C. §103***

Claim 1 was rejected under 35 U.S.C. §103a as being unpatentable over U.S. Patent 6,160,861 ("Davis") in view of U.S. Patent No. 6,478,070 ("Poppema"). Applicant respectfully traverses this rejection.

The Examiner correctly notes that Davis lacks a vent screen including a retraction device, the retraction device being mounted to and between the guide rails and adjacent to the side portion of one of the stationary windows as recited in claims 1 and 12. In applying Poppema, the Examiner states that Poppema has a retraction device indirectly mounted to and extending vertically between the guide rails of the assembly.

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First, the screen dispensing device in Poppema is mounted to a bracket, which, in turn, is mounted to a window sill or molding. As shown in Figure 13 of Poppema, a bracket 86 is attached by a double threaded screw 386 to a vertically oriented window sill 16a. (Poppema, column 22, lines 3-16). As shown in Figures 13 and 16-18 of Poppema, the bracket 86 is configured to receive and retain a screen dispensing system 84. Unlike the present invention which mounts the screen dispensing device to and between the guide rails, the screen dispensing system 84 of the reference is mounted to the window sill 16a through the bracket 86.

Next, the independent claims of the present application state that the retraction device is supported by and mounted to and between said guide rails. As described above, the retraction device in Poppema is supported by a window sill 16a through a bracket 86. (Poppema, column 22, lines 3-16). Therefore, if the teaching of the references are combined, the combination of Davis and Poppema would suggest the retraction device being supported directly by the frame of the moveable glass panel or the perimeter frame 9 of the window in Davis, not by the guide rails.

Thus, there is no suggestion within the reference to construct the invention as claimed, and the rejection should be withdrawn.

Additionally, when combining references to make an obviousness rejection, there must be some motivation or suggestion, within the references themselves, to make the combination. In Poppema, the invention is directed to providing flexible extendable screen doors to allow air to enter a house. (Poppema, column 1, lines 20-24). Poppema makes no suggestion to combine the invention with a slideable window assembly for an automobile.

In that there is no motivation to combine these references, it must be concluded that the combination of Davis in view of Poppema cannot render the

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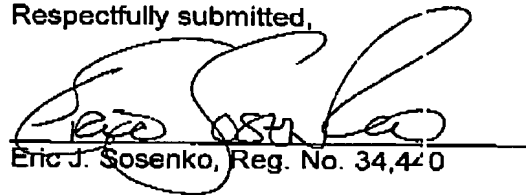
claims of the present application as obvious. The rejection under 35 U.S.C., Section 103 is therefore improper and should be withdrawn.

The remaining claims are dependent on either claims 1 or 12 and are therefore allowable for the same reasons given for claims 1 and 12.

*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,



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Enclosures: None

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